



Docket No.: 42973-0100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Samuel Eak Hua Nguy et al.

Application No.: 10/757,019

Filed: January 14, 2004

For: INITIATOR DEVICE CAPABLE OF
TWO-WAY HALF-DUPLEX
COMMUNICATION WITH
MULTIPLE RECIPIENT DEVICES

Examiner: Unassigned

Group Art Unit: 2661

**PETITION TO MAKE SPECIAL
UNDER THE ACCELERATED EXAMINATION PROVISION
(37 CFR § 1.102(d) AND MPEP § 708.02(VIII))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

1. In accordance with 37 CFR § 1.102(d) and MPEP § 708.02(VIII), Applicant respectfully requests that the above-identified application be taken up for examination out of order.
2. Applicant herein petitions to make special this application under the accelerated examination provisions of MPEP § 708.02(VIII).
3. Applicant submits that all the claims presented are directed to a single invention and agrees to elect, without traverse, a single invention if the Office determines that more than one invention has been presented in the claims.
4. Applicant submits that a pre-examination search was conducted by a professional patent searcher located in Arlington, Virginia and was directed to the invention as claimed in

this application. The patent searcher conducted the search in the following class and subclasses.

<u>Class</u>	<u>Classification Title</u>
455	Telecommunications
<u>Subclasses</u>	<u>Sub-Classification Titles</u>
66	Having diverse art device
550	Radiotelephone equipment detail
552	Operable on more than one system
553	Radiotelephone having plural transceivers (e.g., for analog and digital, trunking and cellular, etc.)
575	Housing or support

The patent searcher also contacted Primary Examiner Thanh Chong Le of Group Art Unit 2600 who confirmed that the most pertinent search areas were covered by the above subclasses.

5. Applicant submits herewith one copy of each of the five (5) references (Application No. 2002/0132635 and U.S. Patent Nos. 6,415,158, 6,374,091, 6,351,653 and 6,009,323) deemed most closely related to the subject matter encompassed by the claims.

6. Applicant submits herewith a detailed discussion of each of the references identified above, which points out, with the particularity required by 37 CFR § 1.111(b) and (c), how the claimed subject matter is patentable over each of the references.

7. In accordance with 37 CFR § 1.102(d), this petition to make special is accompanied by the appropriate fee as set forth in 37 CFR § 1.17(h).

Respectfully submitted,

SNELL & WILMER L.L.P.

I hereby certify that this document is being deposited on May 19, 2005 with the U.S. Postal Service as Express Mail Label No. EV456684783US under 37 C.F.R. 1.8 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

By: Marc Fregoso



Signature

Dated: May 19, 2005



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**DETAILED DISCUSSION IN SUPPORT OF PETITION TO MAKE SPECIAL
UNDER THE ACCELERATED EXAMINATION PROVISION
(MPEP § 708.02(VIII)(E))**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

In accordance with the requirements under MPEP § 708.02(VIII)(E), Applicant herein presents a detailed discussion of each of the five (5) references submitted herewith (Application No. 2002/0132635 and U.S. Patent Nos. 6,009,323, 6,351,653, 6,374,091 and 6,415,158), which points out, with the particularity required by 37 CFR § 1.111(b) and (c), how the claimed subject matter is patentable over each of the references.

1. Application No. 2002/0132635 to Girard et al. ("Girard") discloses a method of automatically selecting a communication mode in a mobile station having at least two communication modes (see title, figure 3 and claim 1). The communication modes include private dispatch, talk group dispatch, phone, and chat (page 2, para. 18). First, the user selects an alias record stored in the device or enters a calling number or string (page 2, para.

18). Next, the user is presented with the modes of communication available for the particular alias (page 2, para. 19). Once the mode is selected, the communication session is initiated in the selected mode with the alias (page 2, para. 20).

Claim 28 recites, among other things, a control device to receive acknowledgement information in response to the transceiver determining that the identification code matches the transceiver identification code.

Claim 40 recites, among other things, a processor to automatically scan a plurality of channels for an available primary channel.

Claim 46 recites, among other things, automatically transmit the recipient identification code to the initiator transceiver if the identification code matches the recipient identification code.

Girard does not teach or suggest the features recited in claims 28, 40 and 46.

2. U.S. Patent No. 6,415,158 to King et al. ("King") discloses a dual mode mobile phone operating as a two-way radio (see title and summary of the invention). The user is able to switch between a normal operating mode for cellular service and a two-way radio mode for short-range, low-power communication without using the service provider's cellular infrastructure (i.e., without transmitting or receiving to/from a cellular network base station) (see summary of the invention). The mobile includes a channel select button 29 which allows the user to change the frequency used for two-way radio communication during the W-T mode, for example when the user experiences interference on the original channel (col. 4, lines 46-50).

Claim 28 recites, among other things, a control device to receive acknowledgement information in response to the transceiver determining that the identification code matches the transceiver identification code.

Claim 40 recites, among other things, a processor to automatically scan a plurality of channels for an available primary channel.

Claim 46 recites, among other things, automatically transmit the recipient identification code to the initiator transceiver if the identification code matches the recipient identification code.

King does not teach or suggest the features recited in claims 28, 40 and 46.

3. U.S. Patent No. 6,374,091 to Richards et al. ("Richards") discloses a dual mode communication device having a see-through cover that provides access to the display even when the cover is closed (see title and col. 1, lines 52-56). The device provides enhanced functionality by providing access to the display and keypad, even when the cover is closed (see col. 3, lines 29-31). The user may place a dispatch call by entering the entire private ID number of an addressee and proceed to communicate using the PTT button 206 (see col. 3, lines 62-64).

Claim 28 recites, among other things, a control device to receive acknowledgement information in response to the transceiver determining that the identification code matches the transceiver identification code.

Claim 40 recites, among other things, a processor to automatically scan a plurality of channels for an available primary channel.

Claim 46 recites, among other things, automatically transmit the recipient identification code to the initiator transceiver if the identification code matches the recipient identification code.

Richards does not teach or suggest the features recited in claims 28, 40 and 46.

4. U.S. Patent No. 6,351,653 to Alberth, Jr. et al. ("Alberth") discloses a cellular telephone with simultaneous radio and cellular communications (see title). The radios 120 transmit and receive a radio signal between each other and the cellular telephone 110 (see col. 2, lines 24-25 and figure 1). The cellular telephone 110 transmits and receives the radio signal from the radios 120 (see col. 2, lines 25-27). The cellular telephone 110 also transmits and receives a cellular signal from a base station 115 (see col. 2, lines 27-29). The cellular telephone 110 transmits and receives the radio signal from one or more radios 120 using half duplex mode (see col. 2, lines 46-48). The cellular telephone 110 provides simultaneous communication of cellular and radio signals (see col. 3, lines 49-51). That is, the voice signal is sent to the radio user and to a person connected to the base station at the same time (see col. 3, lines 60-62).

Claim 28 recites, among other things, a control device to receive acknowledgement information in response to the transceiver determining that the identification code matches the transceiver identification code.

Claim 40 recites, among other things, a processor to automatically scan a plurality of channels for an available primary channel.

Claim 46 recites, among other things, automatically transmit the recipient identification code to the initiator transceiver if the identification code matches the recipient

identification code.

Alberth does not teach or suggest the features recited in claims 28, 40 and 46.

5. U.S. Patent No. 6,009,323 to Hefffield et al. ("Hefffield") discloses a method of placing a call in a two-way radio communication system (see title). In a typical operation, a user wishing to initiate a call places the radio communication device in a call mode and enters the call identifier in some manner (see col. 3, lines 27-30). For example, the communication device may accept user input of search criteria data for identifying a target communicant (see col. 3, lines 38-40). The subscriber unit then accepts a user selection identifying an entry on the list of matching names and call identifiers, which entry corresponds to the target communicant (see col. 4, lines 7-10). A call is then initiated to the target communicant using the call identifier corresponding to the user selection (see col. 4, lines 10-12). A private call is initiated, i.e., a direct simplex mode communication link between the subscriber unit and another subscriber unit operating within the two-way radio communication system (see col. 4, lines 12-16).

Claim 28 recites, among other things, a control device to receive acknowledgement information in response to the transceiver determining that the identification code matches the transceiver identification code.

Claim 40 recites, among other things, a processor to automatically scan a plurality of channels for an available primary channel.

Claim 46 recites, among other things, automatically transmit the recipient identification code to the initiator transceiver if the identification code matches the recipient identification code.

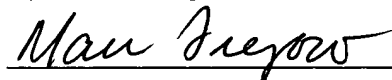
Hefffield does not teach or suggest the features recited in claims 28, 40 and 46.

In view of the foregoing, it is submitted that the references cited above, taken either alone or in combination, fail to disclose or suggest the features of the present invention as particularly recited in each of the independent claims 28, 40 and 46 of the present application.

Respectfully submitted,

I hereby certify that this document is being deposited on May 18, 2005 with the U.S. Postal Service as Express Mail Label No. EV456684783US under 37 C.F.R. 1.8 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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